

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims**

1. (original) A live replicating human spumavirus vector (pHSV) suitable for human use comprising an immunizing construct, wherein the immunizing construct partially replaces the *bet* gene.
2. (original) The vector of claim 1, wherein the vector has the sequence of SEQ ID NO:1.
3. (original) The vector of claim 1, further comprising a reporter gene.
4. (original) The vector of claim 3, wherein the reporting gene is GFP.
5. (original) The vector of claim 1, wherein the immunizing construct is an antigen encoding nucleic acid.
6. (original) The vector of claim 5, wherein the antigen-encoding nucleic acid encodes a viral antigen.
7. (original) The vector of claim 6, wherein the viral antigen is an antigen from a virus selected from the group consisting of Herpes simplex virus type-1, Herpes simplex virus type-2, Cytomegalovirus, Epstein-Barr virus, Varicella-zoster virus, Human herpesvirus 6, Human herpesvirus 7, Human herpesvirus 8, Variola virus, Vesicular stomatitis virus, Hepatitis A virus, Hepatitis B virus, Hepatitis C virus, Hepatitis D virus, Hepatitis E virus, Rhinovirus, Coronavirus, Influenza virus A, Influenza virus B, Measles virus, Polyomavirus, Human

Papilomavirus, Respiratory syncytial virus, Adenovirus, Coxsackie virus, Dengue virus, Mumps virus, Poliovirus, Rabies virus, Rous sarcoma virus, Yellow fever virus, Ebola virus, Marburg virus, Lassa fever virus, Eastern Equine Encephalitis virus, Japanese Encephalitis virus, St. Louis Encephalitis virus, Murray Valley fever virus, West Nile virus, Rift Valley fever virus, Rotavirus A, Rotavirus B, Rotavirus C, Sindbis virus, Simian Immunodeficiency virus, Human T-cell Leukemia virus type-1, Hantavirus, Rubella virus, Simian Immunodeficiency virus, Human Immunodeficiency virus type-1, and Human Immunodeficiency virus type-2.

8. (original) The vector of claim 7, wherein the viral antigen is HIV-GAG p17/p24.
9. (original) The vector of claim 7, wherein the immunizing construct is SIV-GAG.
10. (original) The vector of claim 5, wherein the antigen-encoding nucleic acid encodes a bacterial antigen.
11. (original) The vector of claim 10, wherein the bacterial antigen is an antigen from a bacterium selected from the group consisting of *M. tuberculosis*, *M. bovis*, *M. bovis* strain BCG, BCG substrains, *M. avium*, *M. intracellulare*, *M. africanum*, *M. kansasii*, *M. marinum*, *M. ulcerans*, *M. avium* subspecies *paratuberculosis*, *Nocardia asteroides*, other *Nocardia* species, *Legionella pneumophila*, other *Legionella* species, *Salmonella typhi*, other *Salmonella* species, *Shigella* species, *Yersinia pestis*, *Pasteurella haemolytica*, *Pasteurella multocida*, other *Pasteurella* species, *Actinobacillus pleuropneumoniae*, *Listeria monocytogenes*, *Listeria ivanovii*, *Brucella abortus*, other *Brucella* species, *Cowdria ruminantium*, *Chlamydia pneumoniae*, *Chlamydia trachomatis*, *Chlamydia psittaci*, *Coxiella burnetti*, other *Rickettsial* species, *Ehrlichia* species, *Staphylococcus aureus*, *Staphylococcus epidermidis*, *Streptococcus pyogenes*, *Streptococcus agalactiae*, *Bacillus anthracis*, *Escherichia coli*, *Vibrio cholerae*, *Campylobacter* species, *Neisseria meningitidis*, *Neisseria gonorrhoea*, *Pseudomonas aeruginosa*, other *Pseudomonas* species, *Haemophilus influenzae*, *Haemophilus ducreyi*, other *Hemophilus*

species, *Clostridium tetani*, other *Clostridium* species, *Yersinia enterolitica*, and other *Yersinia* species.

12. (original) The vector of claim 5, wherein the peptide encoding nucleic acid encodes a parasitic antigen.

13. (original) The vector of claim 12, wherein the parasitic antigen is an antigen from a parasite selected from the group consisting of *Toxoplasma gondii*, *Plasmodium falciparum*, *Plasmodium vivax*, *Plasmodium malariae*, other *Plasmodium* species., *Trypanosoma brucei*, *Trypanosoma cruzi*, *Leishmania major*, other *Leishmania* species., *Schistosoma mansoni*, other *Schistosoma* species., and *Entamoeba histolytica*.

14. (original) The vector of claim 5, wherein the peptide encoding nucleic acid encodes a cancer antigen.

15. (original) The vector of claim 14, wherein the cancer antigen is an antigen from a cancer selected from the group consisting of lymphomas (Hodgkins and non-Hodgkins), B cell lymphoma, T cell lymphoma, leukemias, myeloid leukemia, carcinomas, carcinomas of solid tissues, squamous cell carcinomas of mouth, throat, larynx, lung, head and neck, adenocarcinomas, sarcomas, gliomas, high grade gliomas, blastomas, neuroblastomas, plasmacytomas, histiocytomas, melanomas, adenomas, hypoxic tumours, myelomas, AIDS-related lymphomas or sarcomas, metastatic cancers, mycosis fungoides, bladder cancer, brain cancer, nervous system cancer, head and neck cancer, kidney cancer, lung cancers such as small cell lung cancer and non-small cell lung cancer, neuroblastoma/glioblastoma, ovarian cancer, liver cancer, colon cancer, cervical cancer, cervical carcinoma, breast cancer, and epithelial cancer, renal cancer, genitourinary cancer, pulmonary cancer, esophageal carcinoma, head and neck carcinoma, large bowel cancer, hematopoietic cancers; testicular cancer; colon and rectal cancers, prostatic cancer, or pancreatic cancer.

16. (original) The cancer antigen of claim 15, wherein the antigen is selected from the list of cancer antigen consisting of mucin (Muc-1; a 20 amino acid core repeat for Muc-1 glycoprotein, present on breast cancer cells and pancreatic cancer cells), the Ha-ras oncogene product, p53, carcino-embryonic antigen (CEA), the raf oncogene product, gp100/pmel17, GD2, GD3, GM2, TF, sTn, MAGE-1, MAGE-3, BAGE, GAGE, tyrosinase, gp75, Melan-A/Mart-1, gp100, HER2/neu, EBV-LMP 1 & 2, HPV-F4, 6, 7, prostate-specific antigen (PSA), HPV-16, MUM, alpha-fetoprotein (AFP), CO17-1A, GA733, gp72, p53, the ras oncogene product, HPV E7, Wilm's tumor antigen-1, telomerase, and melanoma gangliosides.
17. (original) A cell comprising the vector of claim 1.
18. (original) A method of detecting the expression of the vector of claim 1, comprising obtaining a sample containing the vector, contacting the sample with an antibody directed to antigen encoded by the immunizing construct, and detecting antigen bound to the antibody, the presence of bound antigen indicating expression of the vector.
19. (original) The method of claim 18, wherein the sample is blood from a subject.
20. (original) The method of claim 18, wherein the sample is tissue biopsy from a subject.
21. (original) A method of treating a subject with a condition comprising administering to the subject the vector of claim 1.
22. (original) The method of claim 21, wherein the condition is associated with viral infection, and the immunizing construct encodes an antigen from a virus selected from the group consisting of Herpes simplex virus type-1, Herpes simplex virus type-2, Cytomegalovirus, Epstein-Barr virus, Varicella-zoster virus, Human herpesvirus 6, Human herpesvirus 7, Human herpesvirus 8,

Variola virus, Vesicular stomatitis virus, Hepatitis A virus, Hepatitis B virus, Hepatitis C virus, Hepatitis D virus, Hepatitis E virus, Rhinovirus, Coronavirus, Influenza virus A, Influenza virus B, Measles virus, Polyomavirus, Human Papilomavirus, Respiratory syncytial virus, Adenovirus, Coxsackie virus, Dengue virus, Mumps virus, Poliovirus, Rabies virus, Rous sarcoma virus, Yellow fever virus, Ebola virus, Marburg virus, Lassa fever virus, Eastern Equine Encephalitis virus, Japanese Encephalitis virus, St. Louis Encephalitis virus, Murray Valley fever virus, West Nile virus, Rift Valley fever virus, Rotavirus A, Rotavirus B, Rotavirus C, Sindbis virus, Simian Immunodeficiency virus, Human T-cell Leukemia virus type-1, Hantavirus, Rubella virus, Simian Immunodeficiency virus, Human Immunodeficiency virus type-1, and Human Immunodeficiency virus type-2.

23. (original) The method of claim 21, wherein the condition is associated with bacterial infection, and the immunizing construct encodes an antigen from a bacterium selected from the group consisting of *M. tuberculosis*, *M. bovis*, *M. bovis* strain BCG, BCG substrains, *M. avium*, *M. intracellulare*, *M. africanum*, *M. kansasii*, *M. marinum*, *M. ulcerans*, *M. avium* subspecies *paratuberculosis*, *Nocardia asteroides*, other *Nocardia* species, *Legionella pneumophila*, other *Legionella* species, *Salmonella typhi*, other *Salmonella* species, *Shigella* species, *Yersinia pestis*, *Pasteurella haemolytica*, *Pasteurella multocida*, other *Pasteurella* species, *Actinobacillus pleuropneumoniae*, *Listeria monocytogenes*, *Listeria ivanovii*, *Brucella abortus*, other *Brucella* species, *Cowdria ruminantium*, *Chlamydia pneumoniae*, *Chlamydia trachomatis*, *Chlamydia psittaci*, *Coxiella burnetti*, other *Rickettsial* species, *Ehrlichia* species, *Staphylococcus aureus*, *Staphylococcus epidermidis*, *Streptococcus pyogenes*, *Streptococcus agalactiae*, *Bacillus anthracis*, *Escherichia coli*, *Vibrio cholerae*, *Campylobacter* species, *Neisseria meningitidis*, *Neisseria gonorrhoea*, *Pseudomonas aeruginosa*, other *Pseudomonas* species, *Haemophilus influenzae*, *Haemophilus ducreyi*, other *Hemophilus* species, *Clostridium tetani*, other *Clostridium* species, *Yersinia enterolitica*, and other *Yersinia* species.

24. (original) The method of claim 21, wherein the condition is associated with parasitic infection, and the immunizing construct encodes an antigen from a parasite selected from the group consisting of *Toxoplasma gondii*, *Plasmodium falciparum*, *Plasmodium vivax*, *Plasmodium malariae*, other *Plasmodium* species., *Trypanosoma brucei*, *Trypanosoma cruzi*, *Leishmania major*, other *Leishmania* species., *Schistosoma mansoni*, other *Schistosoma* species., and *Entamoeba histolytica*.

25. (original) The method of claim 21, wherein the condition is cancer, and the immunizing construct encodes a tumor antigen from the list consisting of human epithelial cell mucin (Muc-1; a 20 amino acid core repeat for Muc-1 glycoprotein, present on breast cancer cells and pancreatic cancer cells), the Ha-ras oncogene product, p53, carcino-embryonic antigen (CEA), the raf oncogene product, gp100/pmel17, GD2, GD3, GM2, TF, sTn, MAGE-1, MAGE-3, BAGE, GAGE, tyrosinase, gp75, Melan-A/Mart-1, gp100, HER2/neu, EBV-LMP 1 & 2, HPV-F4, 6, 7, prostate-specific antigen (PSA), HPV-16, MUM, alpha-fetoprotein (AFP), CO17-1A, GA733, gp72, p53, the ras oncogene product, HPV E7, Wilm's tumor antigen-1, telomerase, and melanoma gangliosides.

26. (original) A method of preventing a condition in a subject comprising administering to the subject the vector of claim 1.

27. (original) The method of claim 26, wherein the condition is associated with viral infection, and the immunizing construct encodes an antigen from a virus selected from the group consisting of Herpes simplex virus type-1, Herpes simplex virus type-2, Cytomegalovirus, Epstein-Barr virus, Varicella-zoster virus, Human herpesvirus 6, Human herpesvirus 7, Human herpesvirus 8, Variola virus, Vesicular stomatitis virus, Hepatitis A virus, Hepatitis B virus, Hepatitis C virus, Hepatitis D virus, Hepatitis E virus, Rhinovirus, Coronavirus, Influenza virus A, Influenza virus B, Measles virus, Polyomavirus, Human Papillomavirus, Respiratory syncytial virus, Adenovirus, Coxsackie virus, Dengue virus, Mumps virus, Poliovirus, Rabies virus, Rous sarcoma virus,

Yellow fever virus, Ebola virus, Marburg virus, Lassa fever virus, Eastern Equine Encephalitis virus, Japanese Encephalitis virus, St. Louis Encephalitis virus, Murray Valley fever virus, West Nile virus, Rift Valley fever virus, Rotavirus A, Rotavirus B, Rotavirus C, Sindbis virus, Simian Immunodeficiency virus, Human T-cell Leukemia virus type-1, Hantavirus, Rubella virus, Simian Immunodeficiency virus, Human Immunodeficiency virus type-1, and Human Immunodeficiency virus type-2.

28. (original) The method of claim 26, wherein the condition is associated with viral infection, and the immunizing construct encodes an antigen from a virus selected from the group consisting of *M. tuberculosis*, *M. bovis*, *M. bovis* strain BCG, BCG substrains, *M. avium*, *M. intracellulare*, *M. africanum*, *M. kansasii*, *M. marinum*, *M. ulcerans*, *M. avium* subspecies *paratuberculosis*, *Nocardia asteroides*, other *Nocardia* species, *Legionella pneumophila*, other *Legionella* species, *Salmonella typhi*, other *Salmonella* species, *Shigella* species, *Yersinia pestis*, *Pasteurella haemolytica*, *Pasteurella multocida*, other *Pasteurella* species, *Actinobacillus pleuropneumoniae*, *Listeria monocytogenes*, *Listeria ivanovii*, *Brucella abortus*, other *Brucella* species, *Cowdria ruminantium*, *Chlamydia pneumoniae*, *Chlamydia trachomatis*, *Chlamydia psittaci*, *Coxiella burnetti*, other *Rickettsial* species, *Ehrlichia* species, *Staphylococcus aureus*, *Staphylococcus epidermidis*, *Streptococcus pyogenes*, *Streptococcus agalactiae*, *Bacillus anthracis*, *Escherichia coli*, *Vibrio cholerae*, *Campylobacter* species, *Neisseria meningitidis*, *Neisseria gonorrhoea*, *Pseudomonas aeruginosa*, other *Pseudomonas* species, *Haemophilus influenzae*, *Haemophilus ducreyi*, other *Hemophilus* species, *Clostridium tetani*, other *Clostridium* species, *Yersinia enterolitica*, and other *Yersinia* species.

29. (original) The method of claim 28, wherein the condition is associated with viral infection, and the immunizing construct encodes an antigen from a virus selected from the group consisting of *Toxoplasma gondii*, *Plasmodium falciparum*, *Plasmodium vivax*, *Plasmodium malariae*, other *Plasmodium* species., *Trypanosoma brucei*, *Trypanosoma cruzi*, *Leishmania major*, other

*Leishmania* species., *Schistosoma mansoni*, other *Schistosoma* species., and *Entamoeba histolytica*.

30. (original) A method of making a model for use in screening for substances effective in treating or preventing a disease associated with an immunizing construct, comprising administering the vector of claim 1 to an animal capable of manifesting a characteristic of the immunizing construct.

31. (original) A model made in accordance with the method of claim 30.

32. (original) A method of screening for a substance effective in treating a disease associated with an immunizing construct comprising: a) administering the substance to the model of claim 31; and b) assaying for an change in the course of the disease as compared to an the course of the disease in a control subject; an improvement in the course of the disease in the presence of the substance identifies a substance that is effective in treating the disease.

33. (original) A method of screening for an immunizing construct effective in preventing a disease associated with an immunizing construct comprising: a) administering the vector of claim 1 to a subject; b) subjecting the subject to treatment that will induce the disease or characteristic of the disease; and c) assaying for an change in the course of the disease as compared to an the course of the disease in a control subject; an improvement in the course of the disease in the presence of the substance identifies a substance that is effective in preventing the disease.

34. (original) A method of screening for an immunizing construct effective in treating a disease effective in treating a disease associated with an immunizing construct comprising: a) subjecting the subject to treatment that will induce the disease or characteristic of the disease; b) administering the vector of claim 1 to a subject; and c) assaying for an change in the course of

the disease as compared to an the course of the disease in a control subject; an improvement in the course of the disease in the presence of the substance identifies a substance that is effective in treating the disease.

35. (currently amended) The method of ~~claims 21-34~~ claim 21, wherein the subject is a cell.
36. (currently amended) The method of ~~claims 21-34~~ claim 21, wherein the subject is a mouse.
37. (currently amended) The method of ~~claims 21-34~~ claim 21, wherein the subject is a monkey.
38. (currently amended) The method of ~~claims 21-34~~ claim 21, wherein the subject is a human.